IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 10483 of 1997

DATED: 3.2.2006

Between:

E.Laxmi and another Petitioner

And

The Authority under Minimum Wages Act cum

Asst Commissioner of Labour-I,

Visakapatnam and another Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 10483 OF 1997

ORAL ORDER:

The present writ petition is filed questioning the order passed by the first respondent/Authority under Minimum Wages Act cum Assistant Commissioner of Labour in Case No. M.W.M.P. No. 84 of 1994 dated 20.1.1997.

The petitioner herein is respondent in M.W.M.P. No. 84 of 1994. The grievance of the petitioner herein is that the second respondent-workman was not engaged by the husband of the petitioner and they are not liable to pay any wages much less,

difference of wages as awarded by the authority below. The petitioner contends that her husband against whom the claim was made, died on 30.7.1995 and the impugned order was passed against a deceased person is null and void. It is also contended that the Assistant Commissioner of Labour without considering the facts and circumstances and without affording reasonable opportunity to the petitioner, passed a pro-forma order without assigning any reasons and the same is liable to be set aside.

A counter affidavit was filed on behalf of the first respondent together with a copy of the detailed order passed in M.W.M.P. No. 84 of 1995. In the counter affidavit it is specifically stated that the husband of the petitioner who is respondent before the Authority has contested the matter by engaging an Advocate viz., K.V.J.L.N. Sastry, and the said counsel appeared before the Authority on several occasions. It is also stated that after death of the respondent, an application was filed adding the legal representative of the opposite party and Smt E.Laxmi and E.Saryakantham petitioners herein. It is stated that the writ petitioners herein have not contested the matter by adducing evidence in support of their claim nor filed any counter affidavit. The allegation that the
pro-forma order was passed by the lower authority was specifically denied and copy of the detailed order dated 20.1.1997 is filed along with the counter affidavit.

A perusal of the order dated 20.1.1997 goes to show that the applicant has examined himself as A.W.1 and marked Ex.A-1 copy of his appointment order, whereas the opposite party/petitioners herein neither adduced any evidence nor marked any documents. In the absence of any evidence the Assistant Commissioner of Labour having regard to the contentions made by both the parties and considering the appointment order Ex.A-1 has fixed the salary of the petitioner as Rs.415/- per month and allowed the petition for Rs.22,262/-, which cannot be said to be illegal warranting interference of this Court. The writ petition is devoid of any merit and accordingly the same is dismissed. No costs.

N.V.RAMANA,J

03.02.2006

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